

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Clint Rasschaert, Ed Risch, Pamela
Schiller, Verna Schuna, Eric Gedrose,
and Justin Short, individually and on behalf
of the putative Classes,

Plaintiffs,

STIPULATION

v.

Frontier Communications Corporation,
Frontier Communications of America, Inc.,
Frontier Communications of Minnesota,
Citizens Telecommunications Company of
Minnesota, LLC, and Citizens Telecommunications
Company of New York,

Defendants.

Court File No. 11-cv-02963 DWF/JSM

The Parties, by and through their attorneys of record, submit this Stipulation:

WHEREAS, the Court “retain[s] continuing jurisdiction” to “supervis[e] the implementation” of the “Settlement Agreement” (Settlement Agreement ¶ 25 (ECF 88));

WHEREAS, the Court approved the parties’ proposed Distribution Plan on July 22, 2014, entering a Distribution Order the same day (ECF 124);

WHEREAS, under the Distribution Plan, by August 12, 2014 (twenty-one days after the Court issued its Distribution Order), Frontier was to provide the Settlement Administrator—Kurtzman Carson Consultants, LLC—with data identifying which class members are current customers and which class members are former customers (“Current/Former Customer Designation Data”);

WHEREAS, Frontier has experienced difficulty collecting the Current/Former Customer Designation Data—and in particular was unable to locate name and address information for a number of class members—and was thus not able to provide that Data to the Settlement Administrator within the agreed time frame;

WHEREAS, Frontier subsequently located name and address information for the vast majority of class members for whom Frontier could not initially find that information, and has now provided the Current/Former Customer Designation Data to the Settlement Administrator;

WHEREAS, the Settlement Administrator has undertaken to identify the names and addresses of those class members for whom Frontier lacked such information via reverse telephone number lookup;

WHEREAS, names and addresses have been located for all but 296 phone numbers associated with the class members, all of whom are former Frontier customers, to the best of Frontier's knowledge;

WHEREAS, the Distribution Plan required the Settlement Administrator to calculate the individual settlement allocation amount for each class member;

WHEREAS, due to unavoidable delays, including efforts by Frontier to search diligently for name and address information for certain class members for whom such information initially could not be located, the Settlement Administrator is still in the process of calculating the individual settlement allocation amount for class members;

WHEREAS, among several reasons for the delays that have taken place is that one of the individuals at the Settlement Administrator responsible for managing the

calculation process has gone on (and remains on) parental leave, and the responsible individual who was substituted in place for the first one was called to serve on a jury;

WHEREAS, among other reasons for the delays that have taken place is that it has been necessary to identify and reconcile the amounts received as tax refunds from Minnesota Department of Revenue, as a result of some checks having been misdirected, and as a result of mismatches between the amounts payable on checks received from the Minnesota Department of Revenue, and the refund and interest payments that Frontier expected to receive from the Department;

WHEREAS, it has been necessary to undertake the process of identifying and reconciling the amounts received as tax refunds from the Minnesota Department of Revenue, so as to minimize the need for an additional distribution (the costs of which would be paid by class members);

WHEREAS, the parties anticipate that the Settlement Administrator will complete the calculation process by no later than October 31, 2014, and will advise Frontier of the individual settlement allocation amount for each class member who is a current customer;

WHEREAS, Frontier will issue account credits to each class member who is a current customer, in the first billing cycle for which it is practicable to do so after the Settlement Administrator advises it of the individual settlement allocation amount;

WHEREAS, within fourteen days of completing the calculation process, the Revised Current Customer Escrow Transfer Date, the Settlement Administrator shall issue settlement checks to class members who are designated as former customers in the

Current/Former Customer Designation Data, following the protocols outlined in sections 8.6.2 through 8.6.8 of the Settlement Agreement;

WHEREFORE, it is hereby respectfully STIPULATED AND AGREED that the Court should Order as follows:

1. The Distribution Plan previously approved (ECF 124) shall be modified consistent with the terms of this stipulation.
2. The parties shall notify the Court as soon as possible of any developments affecting this revised distribution schedule.

Dated: October 15, 2014

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